



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Reject All Bids for Standby Generators for Water Well and Storm Drain Pumping Stations for Sites 1R, 7, 9, 11R, and 16 and Authorize Readvertisement for Bids

MEETING DATE: March 16, 1994

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council reject all the bids for the Standby Generators for Water Well and Storm Drain Pumping Stations for Sites 1R, 7, 9, 11R, and 16 and authorize readvertising for bids.

BACKGROUND INFORMATION: On March 2, 1994, the City received eight bids for the Standby Generators for Water Well and Storm Drain Pumping Stations for Sites 1R, 7, 9, 11R, and 16. (The bid tabulation sheet is attached as Exhibit A.) Conco-West was the apparent low bidder with a submittal of \$370,450. A few hours after the bid opening, Conco-West delivered a letter (Exhibit B) to the City indicating that they had made a mathematical error in their bid proposal and requesting that their bid be withdrawn or that \$30,000 be added to their proposal. Conco-West also informed the City that they had just completed a similar project and were confident that they could do the work for approximately \$400,000.

The second low bidder, Central Sierra Electric, did not include a bid for the lease-option plans (Bid Alternates B, C, and D) and the City does not have funds in this project's account to purchase the generators as a lump sum price. In addition, the third low bidder has submitted a letter (Exhibit C) to the City indicating that they feel Central Sierra Electric's bid proposal is incomplete and that they, Royal Electric, should be awarded the bid.

Because of the poor condition of the Water Fund, we could not recommend a cash purchase. With current financing costs at 6 to 7 percent, and the need for the generators, staff feels we should proceed with the project. However, because of the wide range in the bids that were received, staff is recommending that Council reject all the bids and authorize readvertising for bids. An addendum will make minor clarifications to the plans and specifications so that the contractors have a better understanding of the project when it is rebid. Staff is also recommending that Council authorize the Public Works Director to set a new bid opening date once the addendum has been prepared.

FUNDING:	Originally Budgeted:	1993/94
	Budgeted Fund:	Water Capital Outlay
	Current Appropriation:	\$236,000 (first year of lease payment)
	Total Project Estimate:	\$560,000


Jack L. Ronsko
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

Attachments

cc: City Attorney
Purchasing Officer
Water/Wastewater Superintendent

APPROVED



THOMAS A. PETERSON
City Manager



recycled paper

Public Works Department
 Tabulation of Bids Received 3/2/94
 Project: Standby Generators for Water Well & Storm Drain Pumps
 Sites 1R, 7, 9, 11R, & 16.

Item Description	Engineer's Estimate	Contractors							
		Conco-West	Central Sierra Electric	Royal Electric	Collins Electrical Co.	Bockmon & Woody Electric	Syblon-Reid Co.	Holt Bros.	Crutchfield Const. Co.
I Bid Alternate A Lump Sum Price for the Equipment and Services	\$613,958.00	\$370,450.00	\$469,800.00	\$512,500.00	\$514,000.00	\$520,870.00	\$535,691.00	\$593,000.00	\$605,533.00
II Bid Alternate B The 60 Payments Shall Each Be Interest Rate		\$7,193.90 6.075%	no bid	\$9,935.00 6.113%*	no bid	no bid	\$10,672.39 7.257%*	\$11,485.04 6.075%*	no bid
III Bid Alternate C The 84 Payments Shall Each Be Interest Rate		\$5,529.05 6.575%	no bid	\$7,540.00 6.216%*	no bid	no bid	\$8,202.66 7.447%*	\$8,827.26 6.575%*	no bid
IV Bid Alternate D The 120 Payments Shall Each Be Interest Rate		\$4,423.60 7.575%	no bid	\$5,792.00 6.395%*	no bid	no bid	\$6,562.54 8.222%*	\$7,062.25 7.575%*	no bid
V Bid Alternate E Price For Services At End of First Year		\$8,794.00	\$2,225.00	\$8,794.00	\$10,500.00	no bid	\$9,634.00	\$11,485.00	no bid
Price For Services At End of Second Year		\$8,794.00	\$2,225.00	\$8,794.00	\$11,000.00	no bid	\$9,634.00	\$12,060.00	no bid
Price For Services At End of Third Year		\$8,794.00	\$2,225.00	\$8,794.00	\$11,500.00	no bid	\$9,634.00	\$13,266.00	no bid
Price For Services At End of Fourth Year		\$8,794.00	\$2,225.00	\$8,794.00	\$12,000.00	no bid	\$9,634.00	\$13,929.00	no bid
Price For Services At End of Fifth Year		\$8,794.00	\$2,225.00	\$8,794.00	\$12,600.00	no bid	\$9,634.00	\$14,628.00	\$60,000.00

* Calculated Value



EXHIBIT B
Cal State License 95557

P O Box 1228
Manteca, CA 95336
(209) 239-2110
FAX (209) 239-2384

March 2, 1994

Jack L. Ronsko, Director of Public Works
City of Lodi
221 West Pine Street
Lodi, CA 95241-1910

Re: Proposal for Standby Generators for Water Well and Storm Drain
Pumping Stations for Sites 1R, 7, 9, 11R and 16

Dear Sir:

We wish to inform you that the bid proposal submitted by our firm at the 11:00 bid opening for the above referenced project contained a mathematical error in the amount of \$30,000.00. The error occurred while totaling the amount for site 11R. Our total for this site is less than the quote for the new generator for this site.

It is our wish that you either add the error to our proposal or allow us to withdraw our proposal.

Attached is a copy of the work sheet for site 11R which clearly shows the error.

We apologize for this inconvenience to you and we trust that you will act in the best interest of all.

Very truly yours,

A handwritten signature in cursive script that reads 'Keith O. DeRousse'.

Keith O. DeRousse
President

RECEIVED

MAR 02 1994



CITY OF LODI
PUBLIC WORKS DEPARTMENT

EXHIBIT C



3131 - 52nd Avenue • Sacramento, CA 95823-1022
P. O. Box 231430 • Sacramento, CA 95823-1430
Phone (916) 428-0286 • Fax (916) 428-4136

March 2, 1994

Lodi City Council
Lodi City Hall
221 W. Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

Attention: Joel Harris, Purchasing Agent

Subject: Bid Package for Standby Generators for
water well and Storm Drain Pumping Stations

Dear Mr. Harris:

I am writing this letter in anticipation that the apparent-low bidder Conco West, may discover an error in their bid calculations and request relief from the bid they submitted for the above referenced solicitation. My purpose for writing is to assert that Royal Electric Company is the next responsive bidder. The apparent second-low bid submitted by Central Sierra Electric should be considered non-responsive for the following reasons:

- #1 Bid Items B, C, & D as listed on Page 3.2 of Bid Proposal was not filled out.
- #2 Lease Purchase breakdown information form as listed on Page 3.3 was not completed.
- #3 Lease Purchase Information Item 6 Subsection #1, #2, & #6 were not provided with Bid Package at time of bid.

In event that Conco West requests and is granted relief from their bid, we would expect that the bid from Central Sierra Electric be rejected as non-responsive and the award be made to Royal Electric Company. Any attempt to award to Central Sierra Electric would result in a protest from this firm.

Please notify us immediately if Conco West does indeed make a request to seek relief from their bid and of your position in this matter.

Thank you in advance for help and attention with regard to this matter.

Sincerely,

Mark Drinkard
Mark Drinkard

MD/rjh

cc: Robert O'Connor, McDonough Holland & Allen

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

MEMORANDUM

TO: JENNIFER PERRIN, CITY CLERK
FROM: RAY DAVENPORT, COUNCILMEMBER
DATE: MARCH 18, 1994
SUBJT: CONSENT CALENDAR ITEMS 3, 4, & 8,
CITY COUNCIL MEETING MARCH 16, 1994

This memo is record notice that I object to the action taken by Mayor Sieglock and other councilmembers on March 16, 1994 concerning consent items 3, 4 and 8.

These items were properly removed from the consent calendar by myself and I was denied comment and review of these items by Mayor Jack Sieglock and other councilmembers.

Please provide me a verbatim transcription copy of the actual comments of Mayor Sieglock and the motion to approve consent items 3, 4 & 8.

Please place these items 3, 4 & 8 on the next regular agenda, April 6, 1994.

**TRANSCRIPTION OF
MARCH 16, 1994
CITY COUNCIL MEETING**

**APPROVAL OF CONSENT CALENDAR ITEMS
3, 4 AND 8**

Sieglock: Now, we've got to go back to the Consent Calendar, items 3, 4 and 8. I don't. . . Mr. Davenport, if you want to cover them in about one minute, that'd be great, because I'm not gonna listen to you long. I'm tired, I'm gettin' out of here.

Davenport: Hey, whatever... you know, whatever you wanna do. Slap. . . slap the gavel. Do whatever you want to do. I can live with it.

Sieglock: Okay. No. All right, I'll make a motion to approve items 3, 4 and 8.

Davenport: What is it? Do 3? Oh, on the. . .

Sieglock: I made a motion to approve items 3, 4 and 8 on the Consent Calendar. Is there a second?

Mann: Second.

Sieglock: It's been moved and seconded. . .

McNatt: This does not include item 9?

Sieglock: No.

McNatt: Okay. We'll need to talk about 9.

Peterson: We need to talk about 9 for just a minute. It wont take but a minute.

Sieglock: Any further discussion?

Davenport: Are we gonna go over them?

Sieglock: All those in favor, signify by saying "Aye" (Aye). Any opposed. . .

Davenport: No.

Sieglock: Okay.

Davenport: I can't believe it.

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
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City Clerk

BOB McNATT
City Attorney

M E M O R A N D U M

TO: JENNIFER PERRIN, CITY CLERK
FROM: RAY G. DAVENPORT, COUNCILMEMBER
DATE: MARCH 23, 1994
SUBJT: AGENDA, MARCH 16, 1994

I have concern about consent calendar item 9 (purchase of police vehicles) March 16, 1994, regular council meeting.

Please provide me a verbatim transcription copy of all council discussion concerning consent calendar items placed at the end of the meeting by Mayor Sieglock. This includes consent calendar items 3,4,8, and 9 moved to the end of the council meeting.

Please pick up where you left off in the transcription provided by your office on 3/21/94 entitled "Approval of Consent Calendar Items 3,4 and 8" please continue the transcription to the end of the meeting up to and include the announcement to go into executive session.

After the council executive session, as discussed with you on March 21, 1994, there was no enunciated adjournment of the council meeting by the Mayor, nor was it recorded on the electronic device. I understand from our conversation it is routine practice to not reconvene after executive session and formally conclude adjournment of the regular council meeting.

Please provide under separate confidential cover the Clerks minute notes of the executive session of March 16, 1994 and the action taken by the council.

Thank you.

**TRANSCRIPTION OF
MARCH 16, 1994
CITY COUNCIL MEETING**

**APPROVAL OF CONSENT CALENDAR ITEMS
3, 4, 8 AND 9**

Sieglock: Now, we've got to go back to the Consent Calendar, items 3, 4 and 8. I don't. . . Mr. Davenport, if you want to cover them in about one minute, that'd be great, because I'm not gonna listen to you long. I'm tired, I'm gettin' out of here.

Davenport: Hey, whatever. . . you know, whatever you wanna do. Slap (Sieglock: Okay) . . . slap the gavel. Do whatever you want to do (Sieglock: No). I can live with it. I have been harassed by a lot better.

Sieglock: All right, I'll make a motion to approve items 3, 4 and 8.

Davenport: What is it? Do 3? Oh, on the. . .

Sieglock: I made a motion to approve items 3, 4 and 8 on the Consent Calendar. Is there a second?

Mann: Second.

Sieglock: It's been moved and seconded. . .

McNatt: This does not include item 9?

Sieglock: No.

McNatt: Okay. We'll need to talk about 9.

Peterson: We need to talk about 9 for just a minute. It won't take but a minute.

Sieglock: Any further discussion?

Davenport: Are we gonna go over them?

Sieglock: All those in favor, signify by saying "Aye" (Aye). Any opposed. . .

Davenport: No.

Sieglock: Okay.

Davenport: I can't believe it.

Sieglock: Item number 9.

Peterson: Okay. Item number 9 has to do with the purchase of the police vehicle, and Mr. Ronsko, or Mr. Callahan, or somebody. . .

Davenport: We can't go over that. That's not proper, because we said that we weren't gonna do it this meeting. What a double standard.

Peterson: No, no, no. We said we'd move this to the Regular Calendar (Sieglock: Regular Calendar).

Davenport: No. You said you're takin' it off!

Peterson: Take it off the Consent Calendar.

Mann: Yeah.

Davenport: And puttin' it on what?

Peterson and: The Regular Calendar.
Sieglock
(in unison)

Peterson: . . .the end of the Regular Calendar.

Davenport: Think it's right? . . .okay.

Sieglock: Were we , Mr. City Attorney?

McNatt: Yes, Mr. Mayor. We did move this off the Consent Calendar. . .

Sieglock: Mr. Davenport, I'd normally love to listen to you, but, I'm sorry, it's too late.

Davenport: I'll remember that.

Sieglock: I know you will.

Davenport: How courteous you are.

Sieglock: I'm not trying to be discourteous. . . I just. . . it's late.

Peterson: Go, Dennis.

Davenport: It's not too late for what Tom wants to talk about.

Mann: It's 5:10 in the morning, Ray!

Davenport: In Japan.

Sieglock: Go ahead. . . Mr. Cochran.

Callahan: Okay.

Peterson: It's Mr. Callahan!

(laughter)

Callahan: He left. . . he left. . . sorry, Mr. Mayor.

Snider: You've got better hair.

Peterson: Adjust your. . .adjust your hair, Dennis.

Sieglock: Move on. . .move on.

Callahan: Okay. This item. . .this council communication was prepared by the Police Chief; however, I'll give basically the report. If you have any questions of him, he's stayed as well to address those questions, if you have them. But basically, what we have before you is the request to purchase one additional police patrol unit, and the reasons for that are pretty well explained and I don't need to go into those. What I need to explain to you is the reason we need to change the action that was before you. And that was, at about 1:00 today I was trying to get an additional confirmation from the firm that we were suggesting we buy this police vehicle from, which was Melrose Ford. You may remember just four short weeks ago, we were here discussing four police vehicles and that was the firm that we purchased those vehicles through. That order had already taken place; however, before you with the letterhead of Downtown Ford, and you'll see a little pink highlight in the middle of it we have given to you for your reference. We received a letter from Downtown Ford, the agency who was one of the three that bid for those vehicles that we shared with you about a few weeks ago. And in that letter, we learned that we had the ability to purchase, if we so desired, additional police vehicles. You'll see that highlighted there is that we had to give them a letter of intent to do so by March 16. When I received this letter, I thought perhaps we should go and see if there is a possibility of buying a police vehicle from Melrose Ford also, because if you recall the purchase price for the Ford Crown Victoria from Melrose Ford was about \$768 less than what we were going to pay if we had purchased it from Downtown Ford. And Melrose Ford believed they had a vehicle they'd give to us, but unfortunately it was contingency on action that was going to be taken by the City of Woodland Council which met last night. That Council decided to buy their full complement of vehicles which honestly, I guess, the police chief or the equipment manager did not expect. Because they took that action, we no longer had a vehicle available to us, as of 1:00 today. So then what I needed to do was quickly confirm from Downtown Ford that a vehicle was available if your action was to grant that we purchase that and was able to secure that reassurance this afternoon. So, what we're asking you to do basically would be to adjust the item before you to recommend that the Police Department be allowed to purchase a 1994 Crown Victoria from Downtown Ford for the purchase price of \$16,788.53, additionally have you approve the emergency equipment in the same amount, \$4,170, and the Motorola radio required for that vehicle of \$4,000 for a new total of \$24,958.53.

Peterson: What's the new total, Dennis?

Callahan: \$24,958.53 and basically what we are saying to you is we lost the savings of \$768.26 that we had hoped to get by purchasing through Melrose Ford.

McNatt: If I might jump in here, Mr. Mayor. Obviously what's on the agenda tonight doesn't have anything to do with what the proposed action is. . .the agenda item talked about purchasing a car from Melrose Ford and didn't make any mention of anyone else. So, if you want to act on this tonight. . .if the Council determines that we need this car as soon as we can get it, it's gonna have to make the two findings. Again, first that the need arose after the agenda was printed. . .

Peterson: The agenda just says one police vehicle.

McNatt: Yeah, right, but when you look at the staff report that went with it, it says Melrose. The agenda is the entire packet.

Sieglock: Right.

McNatt: You can still do it if you wish. You can make the findings: need to take action arose after the agenda was printed, that is now you're going to substitute in Downtown Ford, instead of Melrose, and then vote on it if you wish.

Sieglock: Okay. It's been moved by Mr. Mann

Davenport: See you Mr. Mayor. You guys don't need me. . .*(undetectable)*. . .Enjoy.

Sieglock: Goodnight. It's been seconded by Mr. Snider. All those in favor, signify by saying "Aye" (Aye). Mr. Pennino said he'd like the car and I seconded it. All those in favor, signify by saying "Aye". . .

Pennino: What are we voting on? Excuse me, I'm sorry.

McNatt: That the need. . .

Pennino: The need.

Sieglock: The first action. . .

McNatt: . . .to take action arose.

Pennino: Okay. . .well, now. . .

Sieglock: Mr. Mann made that motion, (Pennino: Okay. And we voted on that) Mr. Snider seconded. Now we're finding that we're going to purchase the car. You made the motion and I seconded it. . .

Pennino: Just change out the wording that will not be a back up. We'll actually put it. . .the documentation says a backup and I'd hate to see it out there not being used for two bicycle cops.

Sieglock: All those in favor, signify by saying "Aye" (Aye). We will now go to closed door session.

Peterson: I want to point out, I put in front of you at each Council Member's seat. A couple of weeks ago, the Council requested a map of all vacant industrial parcels (Mann: Ah, okay). Here they are and they're by parcel. . . (Pennino: good. . . good job) here's the City map, here's the. . .*(undetectable)*. . .parcel map in the amount of the acreage, etc.

Mann: What address?

Peterson: We don't have addresses.

Pennino: Do we have a closed door session?

Sieglock: Yeah, IBEW, LPOA.

Mann: Yeah, I've heard that before.

NOTE:

In regards to the announcement of the adjournment following Closed Session, I believe you misunderstood what I was saying to you on March 21, 1994. The Mayor did bang the gavel and announce that the meeting was adjourned following the Closed Session (as he does most of the time); however, what I was explaining to you is that normally I do not record the announcement of the adjournment on the recording system.

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
STEPHEN J. MANN
Mayor Pro Tempore
RAY G. DAVENPORT
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THOMAS A. PETERSON
City Manager

JENNIFER M. PERRIN
City Clerk

BOB McNATT
City Attorney

TO: MAYOR JACK SIEGLOCK
FROM: RAY DAVENPORT, COUNCILMEMBER
DATE: MARCH 18, 1994
SUBJT: CONSENT CALENDAR ITEMS, MARCH 16, 1994

At the regular council meeting of March 16, 1994, I properly removed items 3,4, & 8 from the consent calendar and requested discussion of the same.

You allowed the City Manager to remove item 9. You denied me my right as a councilmember to address the items 3,4, & 8, without any discussion of the items whatsoever. Your action also denied citizens input. Your reason was that you were tired and did not want to listen to me. You subsequently allowed the City Manager and other staff members to proceed with consent item 9. I believe such tyrannical conduct by the Mayor of our City is reflective of your leadership.

Mayoral duties, Brown Act provisions and procedural rules of conducting a meeting are not subject to your whim or physical condition of being too tired to listen to councilmembers but not too tired to listen to the City Manager or other select councilmembers of your personal discretion. Since items 3,4, & 8 of the consent calendar were illegally approved I demand that they be placed on the agenda at the next regular council meeting.

I have been subjected to your improper remarks and conduct in the past which is a matter of public record, my response has been tolerant and passive to date. However your flagrant misuse of Mayoral power to attempt to nullify a duly elected representative cannot go unnoticed.

Councilmembers in fact have a right to remove items from the agenda they also have a right to make comment on the items they removed, this is an elementary principle which you and other councilmembers cannot blatantly ignore.

I trust your mayoral duties will conform to rules of procedure and the Brown Act in the future.

Also, it is my opinion that it is inexcusable to have such a long meeting and manipulate the agenda items to keep people waiting almost four hours to discuss the garbage issue of proposed increases.